

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:06-cr-274-01

v.

HONORABLE PAUL L. MALONEY

TERRANCE DARNELL MALONE,

Defendant.

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MEMORANDUM OPINION AND ORDER

Defendant Terrance Darnell Malone has filed a motion for modification or reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to drug quantity.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to drug quantity, and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10(c).

However, Amendment 782 provides Defendant no relief. Defendant's original guideline range was 84 to 105 months and he was sentenced to 105 months imprisonment on Count Three. The Court also imposed a sentence of 60 months on Count Four pursuant to 18 U.S.C. 924(c)(1)(A)(i) which runs consecutive to any other term of imprisonment. Defendant has

received two reductions of sentence due to retroactive amendments. After application of Amendments 706 and 711, Defendant's guideline range was lowered to 70 to 87 months and Defendant's sentence was reduced to 96 months on Count Three in October 2010. Due to Amendment 750, Defendant's guideline range was further reduced to 57 to 71 months and a 78 month sentence on Count Three was imposed in July 2012 . The 60-month consecutive term imposed on Count Four and the remainder of his sentence has remained unchanged. After application of Amendment 782, the applicable guideline range remains 57 to 71 months. As the resulting guideline range has not been lowered by Amendment 782, the amendment is of no assistance to the defendant. Accordingly,

IT IS HEREBY ORDERED that Defendant Terrance Darnell Malone's motion modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (ECF No. 64) is **DENIED**.

Date: July 21, 2015

/s/ Paul L. Maloney

Paul L. Maloney
Chief United States District Judge